

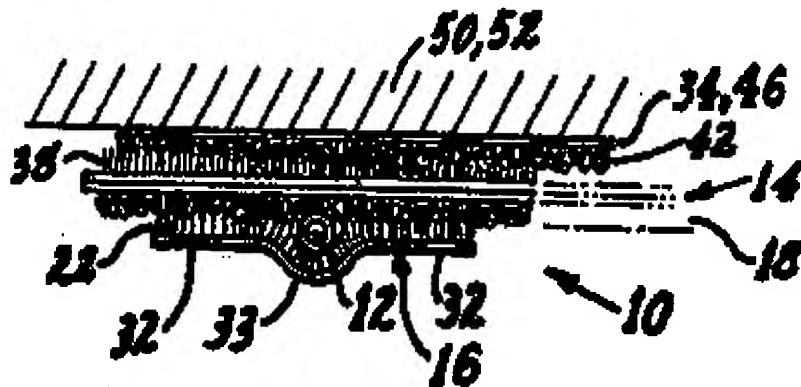
REMARKS

In response to the Final Office Action mailed October 13, 2005, Applicants respectfully request reconsideration with the filing of this Request for Continued Examination pursuant to 37 C.F.R. § 1.114. Claims 1, 3, 7, 10-13, and 16 are currently pending in the application of which claim 1 is an independent claim. Claims 1, 3, 7, 13, and 16 have been amended and claims 2, 4, 5, 6, 8, 9, 14, 15, and 17-20 have been canceled.

In the Office Action dated October 13, 2005, the Office rejected the claims in view of U.S. Patent No. 5,601,961 (Cole) or U.S. Patent No. 4,988,339 (Taylor). Applicants respectfully submit that claim 1, as amended, patentably distinguishes over these references.

Claim 1 now recites a transducer holder that includes a base, at least one strap attached to the base, the strap adapted to encircle a limb of a patient to secure the base to the limb so that one surface of the base faces the limb and a second surface of the base faces away from the limb. Claim 1 further recites a plurality of fasteners arranged on the second surface of the base for securing one or more transducers to the base. Each fastener is fixedly attached to the second surface of the base at a central location of the fastener between the first and second ends of the fastener. The transducer is secured by threading the first and second ends through the transducer assembly openings and attaching the first end to the second end, thereby substantially surrounding and securing the transducer in place. Support for this amendment is found in at least Figs. 3-4, and paragraphs 22-26.

Neither Cole nor Taylor discloses or suggests, and in fact both references teach away from, the transducer holder recited in claim 1, as amended. In particular, neither Cole nor Taylor discloses or suggests a plurality of fasteners arranged on a base in which each fastener is fixedly attached to the base at a central location on the fastener and in which the first and second ends of the fastener attach to one another to substantially surround and secure the transducer in place. Taylor fails to disclose that each fastener is fixedly attached at a central location to the base, and actually teaches that the central portion of the fastener is NOT attached to the base so that it secures the tube (12), as shown in Fig. 5 below:



Because Taylor fails to disclose this limitation, and indeed teaches away from the claimed invention, it does not anticipate or obviate claim 1. See In re Beard, 16 F.3d 380, 382 (Fed. Cir. 1994) (Board rejection reversed where reference “appear[ed] to teach away from” the invention); Gambro Lundia v. Baxter Healthcare Corp., 110 F.3d 1573, 1579 (Fed. Cir. 1997) (invention novel and nonobvious where prior art “actually taught away from” the invention).

Cole similarly fails to disclose each fastener is fixedly attached to the base at a central location on the fastener and in which the first and second ends of the fastener attach to one another to substantially surround and secure the transducer in place. Fig. 10 of Cole shows that the central location of each fastener 30 and 50 faces away from fastener 50F, and therefore does not disclose or suggest this limitation. Further, Cole does not disclose or suggest a base having a plurality of fasteners arranged thereon, and a strap attached to one end of the base. Rather, Cole merely shows that multiple fasteners can be stuck together.

Accordingly, it is respectfully submitted that claim 1 and all claims that depend therefrom are allowable.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any further extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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